

SEP 12 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN MANUEL DURON MACIAS;  
HORTENCIA MACIAS TORRES,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 03-73872

Agency Nos. A75-518-117  
A75-518-118

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted September 8, 2008\*\*

Before: TASHIMA, SILVERMAN and N.R. SMITH, Circuit Judges.

Juan Manuel Duron Macias and his wife, Hortencia Macias Torres, married  
natives and citizens of Mexico, petition for review of the Board of Immigration

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

Appeals’ (“BIA”) decision sustaining the Department of Homeland Security’s appeal and denying Petitioners’ applications for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the BIA’s discretionary determination that Petitioners failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Petitioners’ contention that the BIA failed to consider their evidence of hardship is not supported by the record and does not amount to a colorable due process claim. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) (“[T]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.”).

Contrary to Petitioners’ contention, the BIA’s interpretation of the hardship standard falls within the broad range authorized by the statute. *See* 8 U.S.C. § 1229b(b)(1)(D); *Ramirez-Perez v. Ashcroft*, 336 F.3d 1001, 1004-06 (9th Cir. 2003).

**PETITION FOR REVIEW DISMISSED in part; DENIED in part.**